

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JERRY L FEND.,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

6:14-cv-00821-TC

FINDINGS AND
RECOMMENDATION

COFFIN, Magistrate Judge:

On May 19, 2014, plaintiff filed a complaint for review of the final decision of the Commissioner. (ECF No. 1) After defendant filed an answer to the complaint (ECF No. 10), Plaintiff's counsel, Richard McGinty filed a motion to withdraw as counsel for plaintiff. (ECF No. 12) The Court granted the motion to withdraw as counsel on January 29, 2015, allowed plaintiff 30 days to retain new counsel and ordered plaintiff to file a status report by March 2, 2015 in which he identifies new counsel or informs the court that he intends to proceed pro se. (ECF No. 14) The court also vacated all other pending deadlines with the intention of resetting the deadlines after plaintiff's new counsel appeared or plaintiff informed the court that he intended to proceed pro se. A paper copy of the order was mailed to plaintiff at his last known address. (ECF No. 15)

After plaintiff failed to respond to the order issued on January 29, 2015, the court issued an order to show cause why this action should not be dismissed for failure to follow a court order and failure to prosecute. (ECF No. 16) A paper copy was mailed to plaintiff's last known address. (ECF No. 17) To date, plaintiff has failed to respond to the order to show cause.

Accordingly, this action should be dismissed for failure to follow a court order and failure to prosecute.

The above Findings and Recommendation will be referred to a United States District Judge for review. Objections, if any, are due no later than fourteen days after the date this order is filed. The parties are advised that the failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). If no objections are filed, review of the Findings and Recommendation will go under advisement on that date. If objections are filed, any party may file a response within fourteen days after the date the objections are filed. Review of the Findings and Recommendation will go under advisement when the response is due or filed, whichever date is earlier.

Dated this 21 day of August 2015.



THOMAS M. COFFIN
United States Magistrate Judge